HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.19366 of 2005

Dated 1st September, 2005

Between:

Sri Batlanki Satyanarayana Murthy,

S/o.Pundari Kaksharao, aged about 32 years

Hindu, working as Marine Engineer,

R/o.Flat No.503 & 504, Sampath Residency,

VUDA Layout, Marripalem, Visakhapatnam-18 .. Petitioner

And

Simhachalam Devasthanam, Simhachalam,

rep. by its Executive Officer,

Simhachalam, Visakhapatnam District ..Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.19366 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent and his staff in obstructing the construction of a compound wall around the Plot No.17 of an extent of 400 square yards situated in S.Nso.46, 48, 50 to 52 and 54 of Madhavadhara, Visakhapatnam Municipal Corporation in approved Municipal Layout

Plan No.13/70 on 24.8.2005 as illegal and arbitrary.

Heard the learned counsel for both the parties and perused the material placed on record.

If the respondent is obstructing the petitioner in a high-handed manner, the remedy of the petitioner is elsewhere inasmuch as the dispute relating to the property is in the civil nature. Though it is stated in the affidavit that on 24.8.2005, when the petitioner engaged labourers to construct a compound wall around his site, the respondent along with his staff, obstructed the construction, even assuming for a moment that such obstruction is an high-handed action, the same cannot infringe any right of the petitioner, and his remedy is otherwise to establish his right.

For the foregoing reasons, the writ petition is devoid of merits and is dismissed. However, this order will not preclude the petitioner from choosing an appropriate forum to seek his redressal. No order as to costs.

01.09.2005

bcj

Note: Furnish copy in two days

b/o

bcj